

OGC Has Reviewed

7 February 1956

MEMORANDUM FOR: Office of the General Counsel

SUBJECT: Request Legal Determination on Travel
Expenses of Staff Employee Dependent

1. On 31 January 1956 this office received an "immediate action" cable from the field stating that [REDACTED] was resigning 25X1A9a from KUBARK on 9 February 1956. Normally, such a resignation in itself would entail no difficulties, however, the following is outlined for your decision.

- a. Attachment "A" requests authorization to have [REDACTED] 25X1A9a dependent mother travel to [REDACTED] at Government expense, 25X1A6a to join her son.
- b. Attachment "B" states that KUBARK policy precludes such authorization unless [REDACTED] agrees to extend for one 25X1A9a year subsequent to arrival of dependent mother.
- c. Attachment "C" requests extension of [REDACTED]'s tour to 25X1A9a 1 June 1956 or end of dependent mother's first year at the overseas post, whichever is later.
- d. Attachment "D" is a memorandum to the FI Career Service Board requesting extension for [REDACTED] 25X1A9a
- e. Attachment "E" approves the extension of [REDACTED] tour 25X1A9a to end one year after arrival in the field of dependent mother. This reference also approves travel to the field of [REDACTED] mother. 25X1A9a
- f. Attachment "F" states that [REDACTED] mother arrived in 25X1A9a [REDACTED] on 9 September 1956. 25X1A6a

2. The question which cannot be resolved is, will [REDACTED] be 25X1A9a required to reimburse KUBARK for expenses incurred in sending his mother to the field since the mother has only been at [REDACTED] station for 25X1A9a 5 months? The Branch has been unable to turn up a specific KUBARK regulation covering instances of this sort, and subsequent discussions with personnel of the Travel Section, Finance Division revealed no specific information that would cover this particular case. Finance Division suggested that this problem be referred to your office for legal determination.

(3. It may be

3. It may be noteworthy to point out that if [REDACTED] is not 25X1A9a required to reimburse KUBARK for travel of his mother to the field it would seem logical to assume that in accordance with KUBARK Regulation No. 30-3, Section I, paragraph 6 (b), KUBARK will be required to pay for the return of [REDACTED] and his dependent mother 25X1A9a if travel is performed within 90 days from the effective resignation date.

25X1A9a 4. The Branch desires a ruling on the following points: (1) should [REDACTED] reimburse KUBARK for his mother's travel to the field as a dependent; (2) will travel expenses for [REDACTED] mother returning 25X1A9a to the states be absorbed by KUBARK in compliance with the regulation stated in paragraph (3), above.

25X1A9a 5. This office has taken appropriate steps to withhold payment of [REDACTED] salary, terminal leave pay and other monies due him until such time as a decision has been concluded. Therefore, it is requested that this matter be handled as expeditiously as possible, since a secure break of KUBARK connections cannot be facilitated 25X1A9a until [REDACTED] has been appraised of the results of your decision and subsequent KUBARK action.

25X1A9a 6. If additional information is desired concerning this matter, please contact [REDACTED] on extension 3910.

25X1A9a

[REDACTED]

Chief, FE

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ORIGINAL DOCUMENT MISSING PAGE(S):

Not included